

**ORDINANCE No. 2019-09**

**AN ORDINANCE OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY ESTABLISHING THE SPECIAL AGRICULTURAL  
PRODUCTION OVERLAY DISTRICT – SAPO DISTRICT IN THE AGRICULTURAL  
RESIDENTIAL – AR ZONING DISTRICT**

**Explanatory Statement:** This is an ordinance establishing a new “SAPO Special Agricultural Production Overlay District that will be added to Block 10, Lot 63, Block 14, Lot 20 and Block 24, Lot 19.01, all of which are situated within Alexandria Township’s AR Agricultural Residential District. The new SAP District will permit all uses currently permitted within the AR District and will add a new development option to permit a new category of use entitled “Cannabis Growing, Production and Manufacturing”, which will be subject to a new set of development standards established specifically for that use. The Cannabis Growing, Production and Manufacturing use will only be permitted on the three parcels including in the SAPO District.

WHEREAS, the Township of Alexandria is desirous of maintaining, enhancing and promoting economically viable agricultural production opportunities consistent with evolving trends including agricultural production and processing facilities that are compatible with the Township’s agricultural land base and existing rural residential community character; and

WHEREAS, the State of New Jersey has established regulations with licensing processes and procedures for growing, producing, manufacturing and dispensing cannabis-based products, including standards for secure production, processing and marketing of such products; and

WHEREAS, the Township of Alexandria recognizes that certain societal benefits may be derived by facilitating the production and processing of cannabis-based products and recognizing Alexandria Township’s vast agricultural land resources are capable of supporting such production and processing facilities; and

WHEREAS, the Township of Alexandria has determined that the rural character, few commercial centers, low population density and relative remote location within the region relative to the State’s population centers render the municipality inappropriate for cannabis-based products dispensaries;

NOW, THEREFORE, BE IT RESOLVED by the Township of Alexandria, that the code of the township of Alexandria is hereby amended and supplemented, as follows:

**Section 1.** The Code of the Township of Alexandria, Chapter 115, Land Use, Article III, “Establishment of Districts”, Section 115-6, “Districts”, is hereby amended and supplemented by adding the following new District:

SAPO District	Special Agricultural Production Overlay
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**Section 2.** The Code of the Township of Alexandria, Chapter 115, Land Use, Article III, “Establishment of Districts”, Section 115-7, Zoning Districts Map”, is hereby amended and supplemented as follows:

Block 10, Lot 63, Block 14, Lot 20 and Block 24, Lot 19.01 shall be designated “SAP OD Special Agricultural Production Overlay” as indicated and designated on the attached EXHIBIT 1, entitled Special Agricultural Production Overlay District, A Portion of Alexandria Township, September 2019.

**Section 3.** The Code of the Township of Alexandria, Chapter 115, Land Use, Article IV, “Districts”, Section 115-17, “Reserved”, is hereby amended and supplemented by replacing “§ 115-17 Reserved”, as follows:

§ 115-17 Special Agricultural Production Overlay District

The Special Agricultural Overlay District is established on certain lands in the AR Agricultural Residential District to develop indoor agricultural production facilities engaged in the growing, production and processing of cannabis products permitted under New Jersey law. Special Agricultural Overlay District lands retain all use and development options within the AR Agricultural Residential District. Use regulations for growing, production and manufacturing facilities are designed to ensure that such facilities may be developed and operated with minimal conflicts with and impacts to the existing and future rural residential development.

A. Use regulations. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking and other provisions as are specified in other articles herein.

(1) Uses by right. Any of the following uses shall be permitted, provided that the use regulations, Article V, of this chapter, have also been met:

- (a) All uses by right permitted at § 115-10.A.(1).
- (b) Cannabis Growing, Production and Manufacturing Facility in accordance with the standards set forth in § 115-22.A-11.A.(10).

(2) Uses by conditional approval. Any of the following uses shall be considered permitted, provided that the conditions for conditional use approval have been met in accordance with Article X, Conditional Uses, in addition to Article V, Use Regulations, of this chapter:

- (a) All uses by conditional approval permitted at § 115-10.A.(2).
- (b) Cannabis Growing, Production and Manufacturing Facility in accordance with the conditional use standards set forth in § 115-22.A-11.A.(10).

(3) Signs, in accordance with Article VIII, shall be permitted.

B. Performance and bulk regulations. The performance and bulk standards for all uses are shown in the Table of Performance and Dimensional Regulations in § 115-9.[1].

C. Table of Area and Dimensional Regulations. The Table of Area and Dimensional Regulations found at § 115-10.C. shall apply.

**Section 4.** The Code of the Township of Alexandria, Chapter 115, Land Use, Article V, “Use Regulations”, § 115-22.A. “Agricultural Uses”, is hereby amended and supplemented by adding the following new subsection 115-22.A.(10), as follows:

(10) A-11 Cannabis Growing, Production and Manufacturing, in the Special Agricultural Production Overlay District only. In addition to any other standard or regulation required in the AR District, the following standards and regulations shall apply within the Special Agricultural Production Overlay District:

(a) Table of Area and Dimensional Regulations. The following area and dimensional regulations shall apply:

Minimum Lot Area (acres)	Minimum Lot Width at Setback (feet)	Maximum Building Height (feet) <sup>1</sup>	Minimum Yards (front) (each side) (rear) (feet)	Minimum Distance Between Buildings	Maximum Lot Coverage
15	250	35	200 100 100	25'	40%
NOTES:					
<sup>1</sup> A maximum of 2 1/2 stories shall be permitted.					

(b) Access and Setback: Access shall be provided via a driveway with all growing, production and/or manufacturing structures setback a minimum of four hundred (400') feet from any public road.

(c) Visibility: No structure shall be visible from any local or County road. Structures shall be located behind existing hedgerows and shall not be visible from adjoining residences.

(d) Landscaped Buffer: A minimum landscaped buffer at least fifty feet (50') in width shall be established and maintained, adjacent to any local and County road. In addition, a landscaped buffer shall be required in the event that there is not a natural buffer, such as an existing hedgerow capable of providing a year-round screen, between the property and any dwelling unit. The buffer shall be comprised of not less than a triple row of evergreen trees with interstitial shrubbery, grasses and deciduous trees such that a solid buffer screen is established to

completely obscure view of parking and buildings within 5-years of planting. The Board may require supplemental buffering to that which is otherwise required where it is found necessary to better screen the facility from off-site view.

(e) Fencing: All structures utilized for any growing, production or manufacturing shall be enclosed by a non-glare producing chain link fence, such as black or green vinly-coated material, at least eight (8') feet high, which may be topped by 3 strands of barbed wire not extending more than an additional 18" of height for a total fence height of nine and one-half feet (9-1/2').

(f) Security: All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures.

(1) 24-hour human security shall be provided on site.

(2) There shall be no direct sales to the public from the property.

(3) There shall be controlled access to the site, with on-site video monitoring.

(g) Maximum number of buildings: Ten (10)

(h) Maximum building height: Thirty-five (35') feet

(i) Compliance: All growing, production and manufacturing shall be in compliance with all applicable New Jersey State requirements, licenses and permits, which shall be documented and submitted to the Board at the time of site plan review.

(j) Noise: All cannabis growing, production and manufacturing operations shall operate in compliance with State and local noise laws and regulations.

(k) Odor: All cannabis growing, production and manufacturing operations shall utilize available technology to recirculate air, so that odors are not emitted outside of any structure(s). Testimony shall be provided regarding odor that may be emitted from the facility at the time of site plan review. The Board may require additional odor mitigation technology if it is found that the facility may emit nuisance producing odors in the vicinity of the facility.

(l) Location: All cannabis growing or manufacturing buildings shall be located at least four hundred (400') feet from the nearest dwelling unit located on a neighboring lot and a minimum of one thousand (1,000') feet from a school building. Cannabis growing, production and manufacturing buildings shall not be visible from the nearest residential dwelling.

(m) AR District regulations. All newly constructed cannabis growing, production and manufacturing structures shall abide by all setback and Code requirements in effect for the AR District except to the extent modified herein.

(n) Generator: All cannabis growing, production and manufacturing operations shall have a backup generator, which shall maintain all electronic security systems in the event of a power failure.

(o) Signs: Cannabis growing, production and manufacturing operations shall only be permitted to have one sign, displaying the name of the business and site address only, which shall be not

more than ten (10) sq. ft. in area and setback from the right-of-way line not less than ten feet (10').

(p) **Lighting:** No light generated by any cannabis growing, production or manufacturing structures shall result in measurable light changes at the nearest property boundary to each structure. Interior light shades may be required by the Board on greenhouse structures to manage potential lighting impacts. Lighting shall be subject to a Board engineer night lighting test.

**Section 5. Renumbering.** This ordinance may be renumbered for codification purposes.

**Section 6. Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 7. Repealer.** Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

#### NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Alexandria Township Committee held on September 11, 2019, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 9, 2019 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Alexandria Township Municipal Building, 242 Little York-Mt. Pleasant Road Milford, NJ 08848, at which time all persons interested may appear for or against the passage of said Ordinance.

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Michele Bobrowski, CMC, Township Clerk

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Michelle Garay, Mayor,

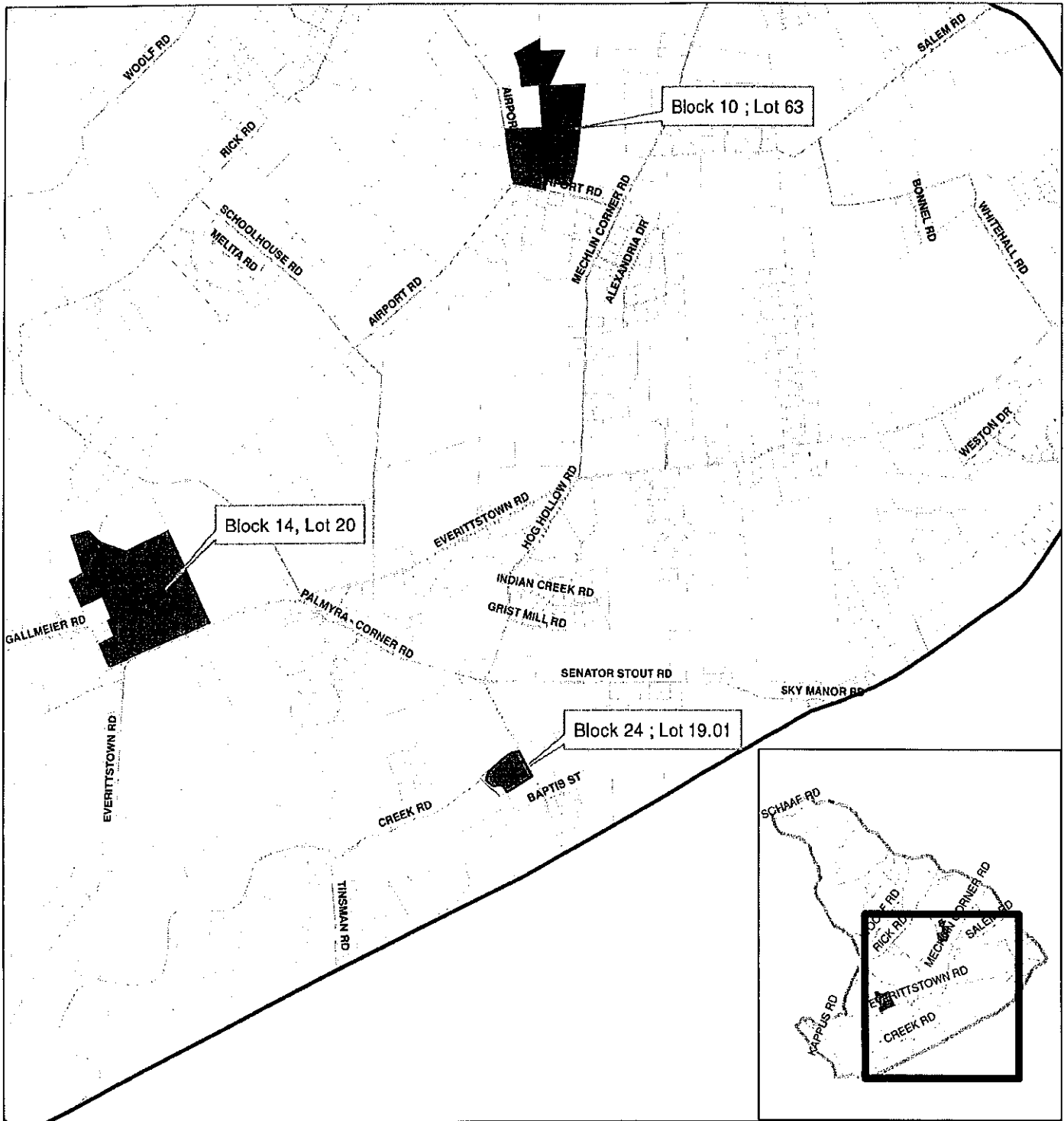
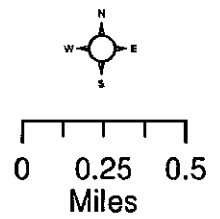
Adopted:

Attest: I herein certify that the foregoing ordinance was duly adopted by the Township Committee of the Township of Alexandria at a regular meeting held by the Committee on October\_\_\_\_, 2019.

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Michele Bobrowski, CMC, Township Clerk

**Exhibit 1:**  
**Ordinance 2019-09**  
**Special Agricultural Overlay District**  
*Alexandria Township, Hunterdon County, NJ*  
*September 2019*



**Legend**

 Special Agricultural Production Overlay Zone